

REMARKS

By this Reply, claims 1, 12, 13, and 16 have been amended, and new claim 22 has been added. Accordingly, claims 1-13 and 15-22 are pending in this application. The amendments and new claim are fully supported by the application as originally filed, and no new matter has been introduced by this Reply.

In the Office Action mailed August 10, 2007, claims 1, 7, 8, 12, 13, 15, and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,366,036 to Perry ("*Perry*"); claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Perry* in view of U.S. Patent No. 6,065,560 to Palmeri et al. ("*Palmeri*"); claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Perry* in view of U.S. Patent No. 4,478,308 to Klaassen ("*Klaassen*"); claims 1-3, 6-10, 12, 13, 15-17, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,617,929 to Richardson et al. ("*Richardson*") in view of *Palmeri*; claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Richardson* in view of *Palmeri* and further in view of *Klaassen*; and claims 4, 5, 18, 20, and 21 were objected to as being dependent upon a rejected base claim. Applicant gratefully acknowledges the indication of allowable subject matter.

Rejection under 35 U.S.C. § 102(b)

Applicant respectfully traverses the rejection of claims 1, 7, 8, 12, 13, 15, and 17 as being anticipated by *Perry*.

Independent claim 1 has been amended to recite a device configured to control select functions of a machine including a seat and an armrest, the device including "an

interface module having a connecting portion and a working portion, said interface module connecting portion being configured to be pivotally connected directly to said at least one armrest associated with the seat in the machine and adapted to shift said working portion laterally between a retracted position and an extended position relative to said at least one armrest such that, in said retracted position, said interface module working portion is at least partially positioned below at least a portion of said at least one armrest.”

Perry discloses a wheelchair 20 including an armrest 216, which includes a linkage segment 226 that “pivots in a horizontal motion to the side of the wheelchair 20” (*Perry*, col. 9, ll. 29-31, and Fig. 8). The linkage segment 226 includes two parallel bars 236 that connect pivot points 224 on a mounting pad 234 connected to the armrest 216 to pivot points 238 on a control station 54 including switches 242, 244, 246, 248 (*Perry*, col. 9, ll. 34-43, and Figs. 8 and 10). The control station 54 “may be pivoted to the outside of the arm rest 216 by simply pushing the control station 54 in that direction” (*Perry*, col. 9, ll. 43-46). The control station 54 may be pivoted “to the side of the wheelchair 20 and then back into a fully extended position” (*Perry*, col. 9, ll. 46-48).

The Office Action contends that the control station 54 corresponds to the claimed working portion and that when the control station 54 “is in the retracted position, it is partially concealed by the armrest [216] when viewed from the right side of the armrest [216] in Fig. 8; in other words,... at least part of the working portion is concealed from sight” (Office Action, p. 2, ll. 14 and 22-24).

While Applicant disagrees with the Examiner’s position that whether or not the working position is “concealed” is determined by a person’s position relative to the

working portion, Applicant has amended the claims in the interests of furthering prosecution. Claim 1 has been amended to replace the phrase “concealed by” with the phrase “positioned below.” *Perry* does not disclose or suggest that the control station 54 is at least partially positioned below at least a portion of the armrest 216. As described above, *Perry* discloses that the control station 54 may pivot from a position in front of the armrest 216 to a position to the outside of the armrest 216 at the side of the wheelchair 20 (see dashed lines in Fig. 8). *Perry* does not disclose or suggest that the control station 54 is at least partially positioned below at least a portion of the armrest 216. Furthermore, Figs. 1-4 and 6 illustrate that the control station 54 is connected to the armrest 216 such that the bottom surfaces of the control station 54 and the armrest 215 are vertically aligned. Therefore, the control station 54 cannot be positioned below the armrest 216. Therefore, *Perry* does not disclose or suggest that “in said retracted position, said interface module working portion is at least partially positioned below at least a portion of said at least one armrest,” as recited in claim 1.

For at least the reasons noted above, the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by *Perry* is not sustainable and should be withdrawn. Claim 1 is patentable over *Perry* because *Perry* fails to disclose every element of claim 1. Claims 7, 8, and 15 are also patentable over *Perry* at least due to their dependence from claim 1. In addition, claims 7, 8, and 15 each recite unique combinations that are neither taught nor suggested by *Perry*, and therefore each is also separately patentable.

Claim 12, as amended, recites a method for controllably interacting with a machine including, among other things, “selecting an interface module working portion

stored mode by moving said interface module working portion laterally toward said at least one armrest until said working portion is at least partially covered by at least a portion of said at least one armrest.”

Claim 12 has been amended to replace “concealed” with “covered.” As described above, *Perry* discloses that the control station 54 may pivot from a position in front of the armrest 216 to a position to the outside of the armrest 216 at the side of the wheelchair 20 (see dashed lines in Fig. 8). However, *Perry* does not disclose or suggest that the control station 54 is at least partially covered by at least a portion of the armrest 216. Furthermore, since the bottom surfaces of the control station 54 and the armrest 216 are vertically aligned, the control station 54 of *Perry* cannot be at least partially covered by at least a portion of the armrest 216. Therefore, *Perry* does not disclose or suggest “moving said interface module working portion laterally toward said at least one armrest until said working portion is at least partially covered by at least a portion of said at least one armrest,” as recited in claim 12.

For at least the reasons noted above, the rejection of claim 12 under 35 U.S.C. § 102(b) as being anticipated by *Perry* is not sustainable and should be withdrawn. Claim 12 is patentable over *Perry* because *Perry* fails to disclose every element of claim 12. Claim 17 is also patentable over *Perry* at least due to its dependence from claim 12. In addition, claim 17 recites a unique combination that is neither taught nor suggested by *Perry* and therefore is also separately patentable.

Claim 13 has been amended to recite a machine including, among other things, “an interface module having a connecting portion and a working portion; and wherein said interface module connecting portion is connectable to said at least one armrest and

is adapted to move laterally between a retracted position wherein at least a portion of the at least one armrest extends over at least a portion of said working portion and an extended position wherein said working portion is substantially free from obstruction by said at least one armrest.”

Claim 13 has been amended to recite “a retracted position wherein at least a portion of the at least one armrest extends over at least a portion of said working portion.” As described above, *Perry* discloses that the control station 54 may pivot from a position in front of the armrest 216 to a position to the outside of the armrest 216 at the side of the wheelchair 20 (see dashed lines in Fig. 8). However, *Perry* does not disclose or suggest that at least a portion of the armrest 216 extends over at least a portion of the control station 54. Furthermore, since the bottom surfaces of the control station 54 and the armrest 216 are vertically aligned, the armrest 216 of *Perry* cannot extend over at least a portion of the control station 54. Therefore, *Perry* does not disclose or suggest “a retracted position wherein at least a portion of the at least one armrest extends over at least a portion of said working portion,” as recited in claim 13.

For at least the reasons noted above, the rejection of claim 13 under 35 U.S.C. § 102(b) as being anticipated by *Perry* is not sustainable and should be withdrawn. Claim 13 is patentable over *Perry* because *Perry* fails to disclose every element of claim 13.

Rejections under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claim 6 as being as being unpatentable over *Perry* in view of *Palmeri*. Claim 6 depends from claim 1.

Palmeri discloses an armrest 32 associated with a vehicle seat (*Palmeri*, col. 2, ll. 2-3). An input shift module 20 is pivotally mounted to the seat using a mount bar 34 and has an upper platform 28 at an approximately equal vertical location as the armrest 32 (*Palmeri*, col. 2, ll. 1-6). However, *Palmeri* does not cure the above noted deficiencies of *Perry*, discussed above with regard to claim 1, nor was it cited for such disclosure. In particular, *Palmeri* does not disclose or suggest that “in said retracted position, said interface module working portion is at least partially positioned below at least a portion of said at least one armrest.” Therefore, claim 6 is patentable over *Perry* and *Palmeri*, either alone or in combination.

Applicant respectfully traverses the rejection of claim 11 as being as being unpatentable over *Perry* in view of *Klaassen*. Claim 11 depends from claim 1.

Klaassen discloses a driver seat 1 with elbow rests 6, 7 and a control lever 51, 51' connected to columns 4, 5, which are connected to each elbow rest 6, 7 (*Klaassen*, col. 2, ll. 1, 4, col. 3, ll. 61-63, and col. 4, ll. 26-28). However, *Klaassen* does not cure the deficiencies of *Perry*, discussed above with regard to claim 1, nor was it cited for such disclosure. In particular, *Klaassen* does not disclose or suggest that “in said retracted position, said interface module working portion is at least partially positioned below at least a portion of said at least one armrest.” Therefore, claim 1 is patentable over *Perry* and *Klaassen*, and claim 11 is also patentable thereover at least due to its dependence from claim 1. In addition, claim 11 recites a unique combination that is neither taught nor suggested by the cited art and therefore is also separately patentable.

Applicant respectfully traverses the rejection of claims 1-3, 6-10, 12, 13, 15-17, and 19 as being as being unpatentable over *Richardson* in view of *Palmeri*.

Richardson discloses a gear shift console assembly 10 that is pivotally mounted to a side of a seat 12 in a vehicle 16 and that includes a gear shift lever 42 (*Richardson*, col. 2, ll. 46-51, col. 3, ll. 46-47, and Fig. 1). The gear shift console assembly 10 includes pivot arms 28, 30 that attach to a seat portion 24 (*Richardson*, col. 3, ll. 36-40, and Fig. 1).

The Office Action acknowledges that *Richardson* does not disclose “at least one armrest being supportably positionable adjacent to the seat, wherein the interface module connecting portion is ‘configured to be’ pivotally connected directly to the at least one armrest associated with the seat in the machine” (Office Action, p. 4, ll. 24-26). However, the Office Action contends that it would be obvious to modify the seat 12 of *Richardson* to include the armrest 32 of *Palmeri* such that “when the connecting portion is directly or indirectly connected to the armrest..., the working portion is at least partially hidden from view from the point of view of someone to the left of the driver’s seat” (Office Action, p. 5, ll. 4-7).

As noted above, claim 1 has been amended to replace “concealed by” with “positioned below.” Even if the armrest 32 of *Palmeri* is directly or indirectly connected to the gear shift console assembly 10 of *Richardson*, the gear shift console assembly 10 would not be at least partially positioned below at least a portion of the armrest in a retracted position. Neither *Richardson* nor *Palmeri* disclose or suggest this.

Richardson does not disclose or suggest connecting the gear shift console assembly 10 to an armrest, and therefore does not disclose or suggest how the gear shift console

assembly 10 would be positioned with respect to an armrest. On the other hand, however, *Palmeri* describes the positioning of the input shift module 20 with respect to the armrest 32. Based on *Palmeri's* placement of the armrest 32 with respect to the input shift module 20 and the purpose of such placement, *Palmeri* suggests that the gear shift console assembly 10 of *Richardson* would be positioned in front of the armrest if the armrest were connected to the gear shift console assembly 10 of *Richardson*.

Specifically, *Palmeri* discloses that the input shift module 20 is located in front of the armrest 32 and that "[t]he arm rest 32 is at an approximately equal vertical location to the upper platform 28 [of the input shift module 20]. Thus, [a] forearm 29 [of the operator] is comfortably supported on platform 28" (*Palmeri*, col. 2, ll. 3-6, and Figs. 1 and 2). The armrest 32 of *Palmeri* is positioned so that the input shift module 20 is at an approximately equal vertical location to the upper platform 28 of the input shift module 20. Therefore, based on the disclosure of *Palmeri*, if one were to connect the armrest of *Palmeri* to the seat of *Richardson*, the armrest would be positioned at an approximately equal vertical location to an upper platform of the gear shift console assembly 10 of *Richardson*, and the gear shift console assembly 10 of *Richardson* would be provided in front of the armrest. In this position, the gear shift console assembly 10 of *Richardson* would not be at least partially positioned below at least a portion of the armrest.

The positioning of the input shift module 20 of *Palmeri* in front of the armrest 32 allows the operator to reach the input shift module 20 while using the armrest 32, and the operator's forearm 29 is supported by the upper platform 28 of the input shift

module 20 (*Palmeri*, col. 2, ll. 5-6). However, if the input shift module 20 (or the gear shift console assembly 10 of *Richardson*) is positioned below the armrest 32, the operator cannot reach the input shift module 20. There is no suggestion or motivation to make a proposed modification if the proposed modification would render the invention being modified unsatisfactory for its intended purpose. See M.P.E.P. § 2143.01(V). Therefore, the obviousness rejection set forth in the Office Action improperly modifies *Richardson* in view of *Palmeri*.

Richardson and *Palmeri* fail to disclose or suggest, either alone or in view of each other, at least that “in said retracted position, said interface module working portion is at least partially positioned below at least a portion of said at least one armrest,” as recited in claim 1.

Claims 2, 3, 6-10, and 15 are also patentable over *Richardson* and *Palmeri* at least due to their dependence from claim 1. In addition, claims 2, 3, 6-10, and 15 each recite unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

As noted above, claim 12 has been amended to replace “concealed” with “covered.” For at least the same reasons described above in connection with claim 1 that show that *Richardson* and *Palmeri* do not disclose or suggest that the gear shift console assembly 10 of *Richardson* is at least partially positioned below at least a portion of the armrest of *Palmeri*, *Richardson* and *Palmeri* does not disclose or suggest that the gear shift console assembly 10 of *Richardson* is at least partially covered by at least a portion of the armrest of *Palmeri*. Therefore, *Richardson* and *Palmeri* fail to disclose or suggest, either alone or in view of each other, at least “moving said interface

module working portion laterally toward said at least one armrest until said working portion is at least partially covered by at least a portion of said at least one armrest," as recited in claim 12.

Claims 16 and 17 are also patentable over *Richardson* and *Palmeri* at least due to their dependence from claim 12. In addition, claims 16 and 17 each recite unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

As noted above, claim 13 has been amended to recite "a retracted position wherein at least a portion of the at least one armrest extends over at least a portion of said working portion." For at least the same reasons described above in connection with claim 1 that show that *Richardson* and *Palmeri* do not disclose or suggest that the gear shift console assembly 10 of *Richardson* is at least partially positioned below at least a portion of the armrest of *Palmeri*, *Richardson* and *Palmeri* do not disclose or suggest that the armrest of *Palmeri* extends over at least a portion of the gear shift console assembly 10 of *Richardson*. Therefore, *Richardson* and *Palmeri* fail to disclose or suggest, either alone or in view of each other, at least "a retracted position wherein at least a portion of the at least one armrest extends over at least a portion of said working portion," as recited in claim 13.

Claim 19 is also patentable over *Richardson* and *Palmeri* at least due to its dependence from claim 13. In addition, claim 19 recites a unique combination that is neither taught nor suggested by the cited art and therefore is also separately patentable.

Applicant respectfully traverses the rejection of claim 11 as being as being unpatentable over *Richardson* in view of *Palmeri* and further in view of *Klaassen*. Claim 11 depends from claim 1. *Klaassen* does not cure the above noted deficiencies of *Richardson* and *Palmeri*, nor was it cited for such disclosure. Therefore, claim 1 is patentable over *Richardson*, *Palmeri*, and *Klaassen*, and claim 11 is also patentable thereover at least due to its dependence from claim 1. In addition, claim 11 recites a unique combination that is neither taught nor suggested by the cited art and therefore is also separately patentable.

New Claim 22

Applicant also requests that new claim 22 be entered. New claim 22 is allowable at least due to its dependency on independent claim 1. In addition, claim 22 recites a unique combination that is neither taught nor suggested by the cited art and therefore is also separately patentable.

Conclusion

Applicant respectfully submits that claims 1-13 and 15-22 are in condition for allowance.

The Office Action contains characterizations of the claims and the prior art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Reply, it is to be understood that Applicant is in no way intending to limit the scope of the claims to an

exemplary embodiment described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

If the Examiner believes a telephone conversation might advance prosecution, the Examiner is invited to call Applicant's undersigned representative at 202-408-4129.


Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 13, 2007

By: _____


Denise L. Poy
Reg. No. 53,480